



# **FREDERICK COUNTY PLANNING COMMISSION**

**June 13, 2018**

**TITLE:** **The Woodlands at Urbana  
(p/o Urbana ORC MXD)**

**FILE NUMBER:** **SP 17-11, S-1175, AP #18069, APFO  
#18070/12779, FRO #18071/18072,  
SWM #18355**

**REQUEST:** **Combined Preliminary Plan/Site  
Development Plan**

The Applicant is requesting Combined Preliminary/Site Plan approval for a 566-unit, age-restricted residential community located on a 199.4 acre site zoned MXD. The Subject Site is part of the Urbana Office Research Center MXD.

## **PROJECT INFORMATION:**

**LOCATION:** Located on the west side of MD 355, and predominantly south of Urbana Parkway, in Urbana.

**TAX MAP/PARCEL:** Tax Map 96, Parcels 113, 162, & 172; TM 105, Parcel 6

**COMP. PLAN/LAND USE:** Office Research Industrial (ORI), Natural Resource (NR), Limited Industrial (LI)

**ZONE:** Mixed Use Development (MXD)

**REGION:** Urbana

**WATER/SEWER:** Water and Sewer Classification: W-3, S-3/W-4, S-4

## **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Urbana Corporate Center, LLC

**OWNER:** - same -

**ENGINEER:** Rodgers Consulting

**ARCHITECT:** Not Listed

**ATTORNEY:** Not Listed

**STAFF:** Denis Superczynski

**RECOMMENDATION:** Conditional Approval

## **Enclosures:**

Exhibit #1 - Site Plan Rendering  
Exhibit #2 - FRO Modification Request

# Urbana Active Adult Urbana Southern ORI



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# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Preliminary Subdivision Plan/Site Development Plan approval for a 566-unit, age-restricted, residential community located on a 199.4 acre site zoned MXD. The site is part of the Urbana Office Research Center MXD, a planned development district originally approved by the Board of County Commissioners in 1998. The overall design of this area proposes 566 residential units to be developed on four (4) parcels located on the west side of Urbana Pike (MD 355), east of I-270 and adjacent to existing developed portions of the MXD. The 566 dwellings – 176 multi-family condominiums, 158 attached townhouses ('villas'), and 232 single-family units – make up a part of the larger Urbana ORC MXD, but constitute the first residential uses in this planned development.

A central organizing feature of this proposal, by virtue of the natural conditions and features of the site, is the primary spine road – Ivy Meadow Drive - which serves as a practical means of providing access to the far ends of the property while limiting incursions into the forested stream and tributary valleys that subdivide the landscape. Several neighborhood focal points are distributed along this 'spine' including recreational amenities positioned to take advantage of the topography and provide distributed locations within the community for the development of micro-parks, communal focal points such as shared fire pits and community gardens, and a dog park. A centralized community center/club house is planned for a 4-acre lot near the intersection of Ivy Meadow Drive and the existing Urbana Parkway. This community center will be the subject of a separate, future, site plan application.

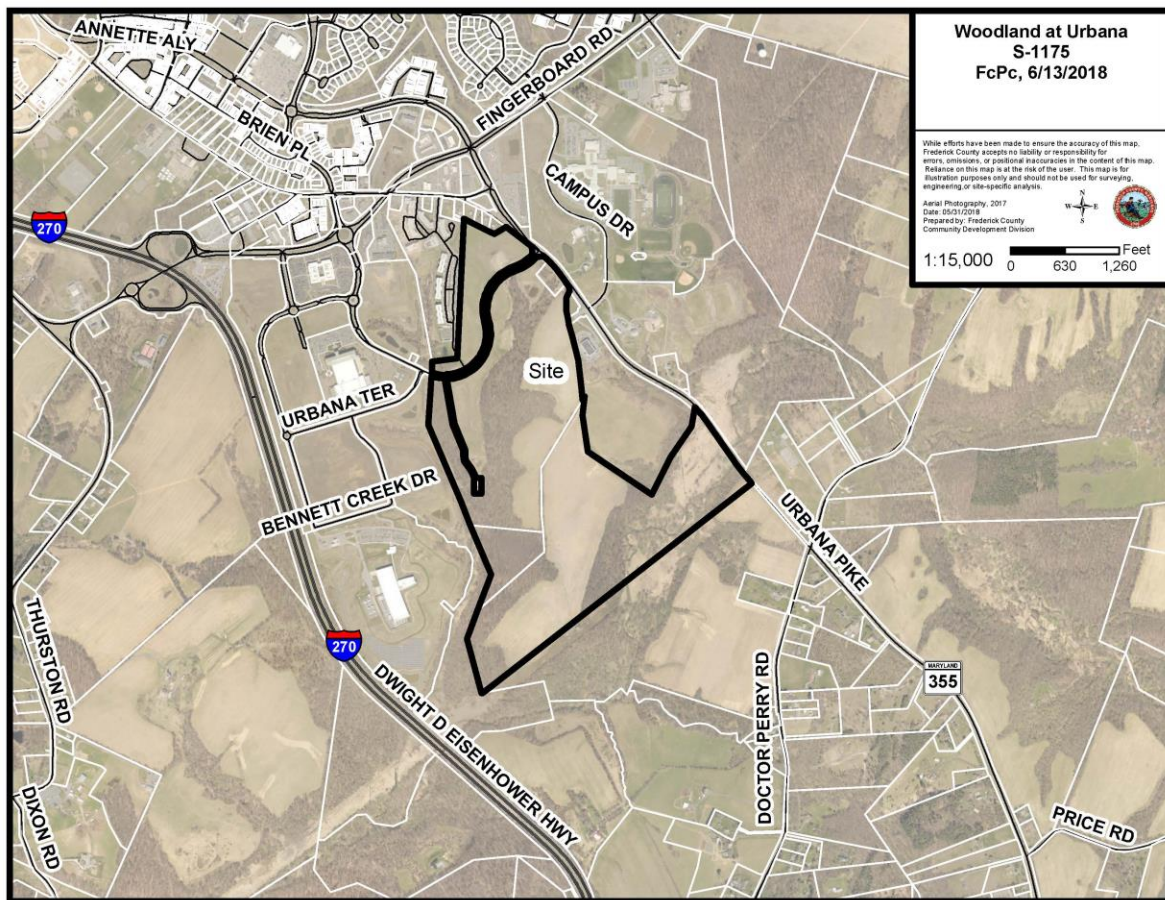


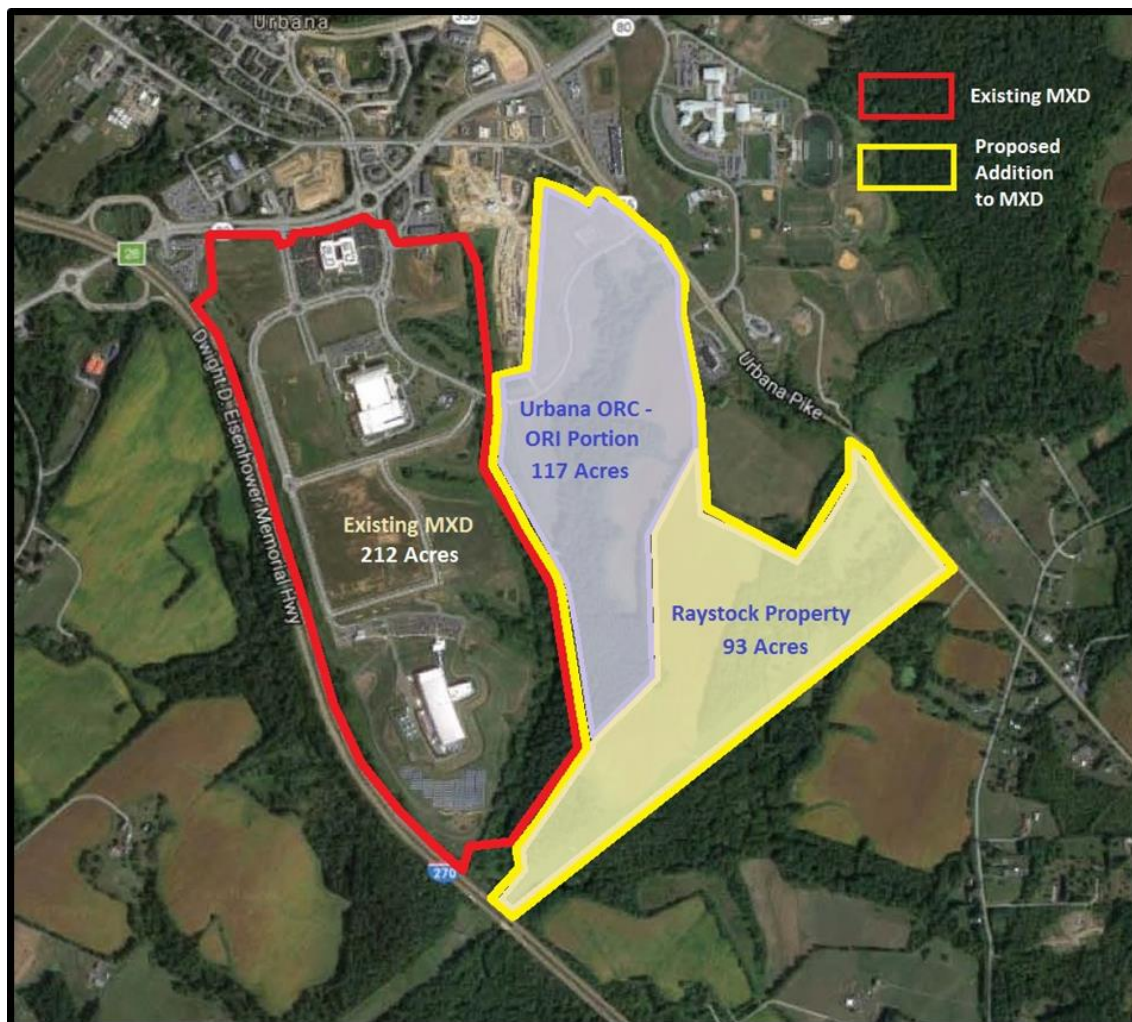
Figure 1 - Aerial Image  
The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan

## **BACKGROUND**

### **Development History**

This proposed development constitutes a portion of a larger planned development district known as the Urbana Office Research Center MXD (or Southern Employment MXD). The original portion of the MXD was rezoned from its ORI zoning in 1998 (R-98-1) proposing only employment and commercial uses (no residential uses). The Phase I Plan was amended in 2009 (R-98-1 A) to adjust the amount of permitted commercial uses to accommodate a planned outlet mall. In 2012, a second amendment to the development was approved (R-98-1 B) that significantly reduced the commercial uses to accommodate the now existing Social Security Administration data center. There are approximately 67 acres of land available within the current MXD to accommodate additional employment and commercial development. If developed entirely in conventional employment uses with a Floor Area Ratio (FAR) of 0.5, this land has the potential for approximately 1.4 million square feet of office space.

In 2016, the Applicant received approval for the rezoning of an additional 210 acres of land to be added to the Urbana ORC MXD [#R-16-01(C)]. The northernmost portion of this land area – adjacent to Urbana Parkway - had previously been zoned ORI, graded, and prepared for the development of mid-sized office and limited industrial uses. The remaining land, known as the Raystock Property, was previously developed only for agricultural use. No buildings, other than utility structures, exist on the Subject Site.



This illustration – taken from the 2016 rezoning application staff report - shows lands added to the Urbana ORC MXD in 2016. Areas outlined in yellow comprise the Woodlands at Urbana project (SP-17-11) that is the subject of this application.

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The Urbana ORC MXD is subject to the terms of a DRRA originally approved by the Board of County Commissioners (effective June 13, 2013). This document incorporates all prior applicable APFO requirements for roads, schools, and water/sewer service for multiple Urbana-area projects in a Combined APFO Letter of Understanding (LOU) but does not consider the Woodlands at Urbana project (including the 93-acre Raystock Property). A revised 'Third Amendment to the Combined Urbana LOU' has been prepared and will be reviewed by the Planning Commission at its June 13, 2018 regular meeting, prior to the consideration of this residential development proposal.

Substantial improvements to the regional infrastructure serving this MXD have been completed in conjunction with the development of the adjoining Villages of Urbana PUD, Urbana Town Center Employment District MXD, and the existing Urbana ORC MXD. The proposed internal road network of the Woodlands will tie into the regional collector and arterial systems which have been, and will continue to be, improved as a result of local development activity.



**Figure 2 - View toward north from Urbana Parkway with Urban Green development in the distance**

### **Existing Site Characteristics**

The subject site, predominantly vacant at this time, is situated along the western edge of MD 355 (Urbana Pike) south of the Villages of Urbana PUD. The Applicant has made every effort to link this proposal to the previous development within the Urbana ORC MXD, the Villages of Urbana PUD and nearby projects such as Urban Green, through the integration of the road network and pedestrian system. Although seemingly isolated by distance and topography, the Applicant has demonstrated adequate pedestrian and vehicular proximity and provided for practical connections for these circulation systems.

Site topography at this location lends itself to the proposed layout of the neighborhood by allowing for the

### **The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan**

most densely developed areas of the community to be located on the northern and western portions of the site. The tributaries to Bennett Creek, which effectively bisect the site, contain the most heavily sloped areas on the site as well as much of the existing forest cover. Limited wetland and floodplain areas are also concentrated along these waterways.

The land use table provided by the Applicant (Sheet CS-1) indicates that the tributary stream valleys, wetland areas, forested areas, and floodplain areas are incorporated into the open space system of the plan and total 116.79 acres.

There are currently no historic preservation sites on the property. However, an existing wastewater pump station and access drive is located along the western edge of the site and is incorporated into the overall layout of the community.

Surrounding land uses include:

North – The areas north of the Woodlands includes several single family homes and small businesses along Urbana Pike, shopping areas, and Urbana High School.

East – The Knowledge Farms office park is located immediately to the east. Agricultural lands predominate farther to the east of the site.

South – Agricultural land predominates south of the site.

West – The western edge of this residential section of the project adjoins the previously developed portions of the Urbana ORC MXD which includes the Social Security Data Center and other employment uses. The Urban Green apartment community is situated northwest of the Woodlands site while the I-270 corridor forms a hard boundary further to the west.

#### Land Use

This residential section of the Urbana ORC MXD is one of two major components on the proposed land use plan for this MXD development. Section 1-19-10.500.7 limits residential development within an MXD plan to medium and high density residential uses including single-family, townhouse, and multi-family dwellings. No more than 25% of the gross project acreage, exclusive of floodplain, may be developed for residential uses. There are fewer than 60 acres of land in residential use on the proposed plan which constitutes just under 15% of the gross project acreage less the floodplain areas (14.5% x 413.2 acres = 60 acres).

The proposed mix of residential building types will likely result in a broader range of housing affordability within the neighborhood for the market targeted for this type of community. While all of the planned units contain 3 bedrooms, the range of overall square footage per unit will vary.

The employment areas of the MXD are separated by a stream tributary that runs along the western edge of the property although a pedestrian and street network will allow for convenient access between the land uses.

#### Frederick County Comprehensive Plan

No county community or corridor plan has been adopted for the Urbana area. Generally, the proposal demonstrates adherence to the general principles for compact development outlined in the County's Comprehensive Plan through seeking a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas served by public infrastructure and facilities.

#### Zoning

The site is currently zoned 'Mixed Use Development (MXD)'. Much of the land surrounding the site to the

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north and west is zoned for residential, commercial, and employment uses, while areas to the south are zoned for limited industrial uses.

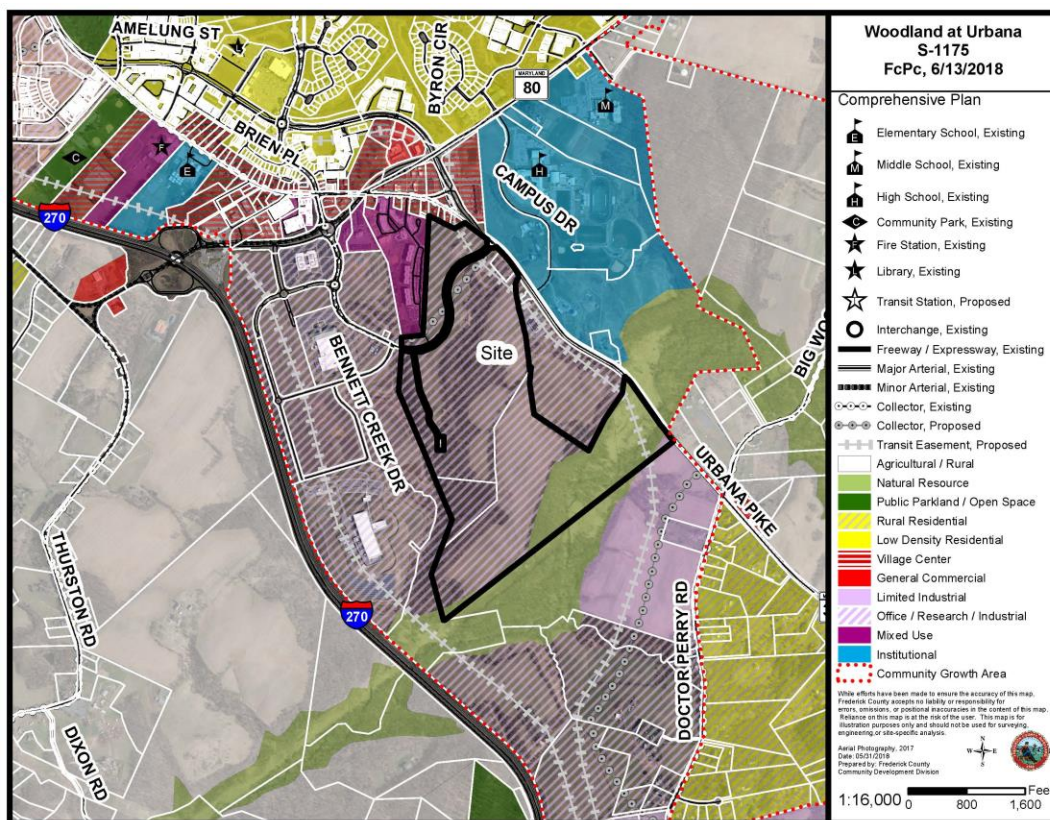


Figure 3 - Land Use Designations

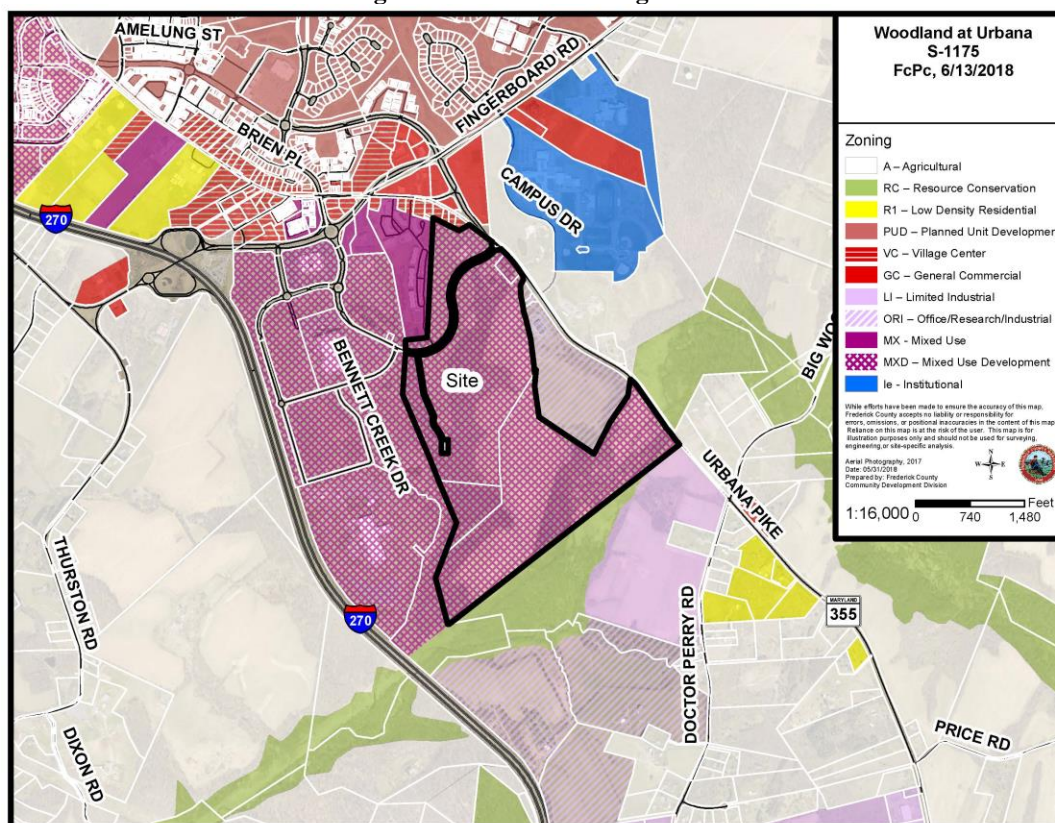


Figure 4 - Zoning Map

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**Figure 5 - Illustrative Plan**  
**The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan**



# ANALYSIS

## Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Vehicular access to, and within, the site (Urbana Pike, Urbana Parkway, and the internal street system)
- Integration of the major uses in the MXD
- Providing a workable layout of sidewalks, trails, open spaces and amenities serving a variety of residential densities
- Integration of the proposed development into areas of environmental sensitivity
- Establishment of appropriate BRLs (setbacks) and building massing
- Providing adequate and convenient parking without creating unnecessary swaths of impervious paved areas
- Providing clear and convenient interconnections and intersection alignments with existing and planned entrances to both parks
- Seizing the opportunity to provide a residential environment suited to the needs of older residents

## Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** The Planning Commission has previously established varying setback and building height requirements for projects in this vicinity in the Villages of Urbana PUD, the Northern MXD, and the Urbana ORC MXD (non-residential elements). Prior dimensional standards have been based upon building type, building density, surrounding development, topographical or other site constraints, and application of appropriate urban design principles. Sections 1-19-10.500.7(F) and 1-19-10.500.9 of the Zoning Ordinance provide for the Planning Commission's role in establishing these standards within an MXD.

The Applicant is proposing the establishment of dimensional requirements for the residential section of the MXD as listed in the chart on the Applicant's Cover Sheet (CS-1), generally summarized as follows:

Front Yards:	20'	(10' for the community center lot)
Side Yards:	4'-5'	(with a slight increase to 8' for multi-family condominium structures; 25' for comm. center)
Rear Yards:	20'	(15' for lots 23326 through 23336)
Illustrated Maximum Building Height (Condos):		72 feet
Illustrated Maximum Building Height (Townhouse/Villas):		40 feet
Illustrated Maximum Building Height (Single-family detached):		35 feet

The proposed Building Restriction Lines (BRL's) are influenced by, but not dependent upon, the building type. Orientation of the buildings on the site, and to the public streets and open areas, appears to be the guiding characteristic in the Applicant's determination of appropriate setbacks and yards.

The proposed setbacks are appropriate to the overall design and layout of this residential section of the MXD and are in generally keeping with the patterns previously established throughout the Villages of Urbana PUD. Setbacks and building height limitations shall be established for the community center upon application for site development plan for that site.

The request for a maximum height of 72 feet for the condominium structures, while larger than typical in Urbana, is not inconsistent with previous approvals by the Planning Commission for similarly dense, multi-family residential structures in the area. The adjacent Urban Green project includes eight (8) multi-family structures ranging in height from 49 feet to 64 feet, as measured by the Code. Some portions of the Urban Green structures attain a height of 70 feet (as measured from the ground to the rooftop peak)

Staff is satisfied that the location and base elevation of these structures will diminish their mass relative to the surrounding landscape, particularly to the north and east of this site.

2. **Signage §1-19-6.300:** The Applicant is not proposing any additional signage in this section of the MXD at this time. Future requested signage for identification or directional purposes will be subject to individual site development plans submitted for the community center, as well as for subdivision identification signage which is not shown in this application requirements.
3. **Landscaping §1-19-6.400:** The landscaping plan contains a variety of plant species, which provide screening, shade, delineation of public spaces, and represents a serious effort to furnish the streets in the development with soldiered continuous lines of tall, deciduous, traditional street trees while maintaining adequate distance from utility easements and ESD facilities. The planting schedule follows the standard sizes that have been approved by the Planning Commission. The Applicant has provided selective foundation screening of building sides where they face the public street network. Shade trees are generally placed in such a way as to shade parking and other paved areas.

The provision for street trees in the proposed development is regulated under Section 1-19-6.400(A)(1) of the Zoning Ordinance and states that the Applicant must provide "One tree, at least 6 feet in height at the time of planting...per 35 feet of [public] roadway frontage.". The calculated total, public, roadway frontage for this Application is 25,980 feet, and the street tree requirement is as follows:



Public road frontage:	<b>25,980 ft.</b>
Required number of street trees:	<b>743 trees</b> [25,980/35=743]
# trees provided (public streets):	<b>529 trees</b> [439 to be planted + 90 existing along Urbana Parkway]
Total # street trees provided (incl. private r.o.w.):	<b>637 trees</b> [does not include coniferous or ornamental trees]
Total # trees provided (proposed/existing):	<b>1,009 trees</b>

The Applicant seeks a modification allowing the Planning to grant approval for an 'Alternate On-site Location' for the planting of the required number of street trees. In certain sections of the planned community (see sheets SP-4/LA-4 for example), such as the street frontage along Herb Garden Drive, the tight spacing of individual driveways combined with the public utility easements create an inherent difficulty for the locating of traditional street trees. In these areas, the Applicant has placed trees intermittently and has instead planted within ESD facilities or other open spaces. Given the number of trees planted or retained throughout the Site, Staff has no objection to the granting of this modification by the Planning Commission.

As in the previously approved site development plans for the Worthington Square, Section M-1F (Villages of Urbana), and Northern MXD (Stone Barn) projects in Urbana, this proposal demonstrates a highly refined integration of the ESD stormwater facilities into the overall design of the public streets, open spaces, and private residential lots. The use of the ESD areas along the neighborhood's 'main street' (Ivy Meadow Drive) is an excellent example of how stormwater requirements, in the hands of skilled land planners and environmental engineers, provide opportunities for new types of public spaces that beautify our built environment while serving the very utilitarian function of managing our stormwater in an environmentally-sound manner.

Pedestrian access to, and through, the landscaped open areas is well executed.

4. **Lighting §1-19-6.500:** The lighting plan is used primarily to provide illumination of the internal circulation network in this proposal. The Applicant has provided a photometric plan documenting proposed lighting levels on the site, which do not exceed 0.5 foot-candles at, or beyond, the property boundaries. However, it is unclear from the specifications illustrated on Sheet LI-1 whether or not the fixture type meets the standard dictating that lighting be directed downward. The Applicant shall provide such documentation or present an alternative fixture that meets this lighting standard.

#### **Conditions:**

1. Applicant shall seek approval by the Planning Commission of an Alternate Planting Design ('Alternate On-Site Location' for street tree planting) to allow the modification of landscaping standards and permit the landscaping plan to be implemented as presented.
2. Reduce lighting height to 14 feet (measured from ground to point of illumination) and ensure that the proposed fixture directs lighting downward onto the site in accordance with 1-19-6.500.

***Transportation and Parking §1-19-3.300.4 (B):*** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** The proposed internal road network of the Woodlands will tie into the regional collector and arterial systems which have been, and will continue to be, improved as a result of local development activity. The proposed spine road – Ivy Meadow Drive - will be

constructed to intersect with the existing Urbana Parkway. Both Urbana Parkway (which also ties into MD 80 northwest of this project) and Knowledge Farms Drive (which will be extended into the Woodlands community) will terminate at intersections with Urbana Pike (MD 355) on the north end of this development, thus creating multiple vehicular connections to the primary roadways in the region, and providing access to the Urbana I-270 interchange as well as points south of the Urbana area, without the need to utilize road links at the MD 355/MD 80 intersection north of this site

2. **Public Transit:** Public transit service via MDOT MTA (#515 to Shady Grove and #204 to College Park) buses is available at the nearby Urbana Park and Ride facility, located approximately 3/4 mile from this proposed development at the I-270 Exit. The proximity to both I-270 (for access to transit options in Montgomery County) and the Monocacy MARC station, provides options other than single-occupancy vehicles for those working outside of the area.

It should also be noted that a key component of this type of mixed use project is that it places employment opportunities within easy reach of pedestrians in the proposed development and surrounding areas. While not a transit solution per se, the adjacency of jobs to medium density residential neighborhoods can serve to make a dent in the number of vehicles entering our regional road network at critical peak times in the day. Many retail, personal, and health services are currently available, or planned, within walking and bicycling distance of the proposed community. A very short distance car trip (0.5 to 1.5 miles) would also place future residents within easy reach of most day-to-day retail needs.

3. **Parking:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance: 2.0 spaces are required for each single-family detached dwelling unit; 2.5 spaces are required for each 3-bedroom townhouse dwelling; 2.5 spaces are required for each 3-bedroom multi-family condo unit; and 1.0 space is required for each five persons of capacity at the community (recreation) center. With a Site Plan review pending for the community center/clubhouse, the total parking target for this application is 1,299 spaces. The Applicant is providing a total of 1,239 parking spaces accomplished through the provision of individual (on-site) parking. Shared and on-street parking situated throughout the proposed residential section of the site amounts to 202 spaces. The total available is thus 1,441 parking spaces, exclusive of the parking to be provided at the community center. Additional on-street parking – that is not counted in this tally – is to be provided as on-street parking along one side of any street of at least 27 ft. in width. These on-street spaces will be determined at the time of Improvement plan submittal and are not typically counted toward the parking target. However, it is clear that in this proposed layout, additional substantial parking for visitors and guests will be provided through the mechanism of localized, distributed, on-street parallel spaces.

Provision of on-street parking spaces will be finalized when Improvement Plans are submitted and approved by the County. The Applicant must submit a Modification Request seeking FCPC approval for the parking plan as presented.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has provided sidewalks and trails throughout the proposed development and has proposed sidewalks as well where pedestrian walkways are used to distinguish the fronts of homes facing a green or extensive landscape buffer. The location of ESD stormwater areas, provision of shared open spaces/mews fronting on residential lots, and other unusual circumstances emerging from the design of the neighborhood, necessitate the construction of parallel sidewalk links that provide direct access to the front entrances of some homes within the Woodlands. Except where noted, all sidewalks provided are a minimum of 5 feet in width.

Staff would prefer that individual home sites be served with direct sidewalk connections from the public sidewalk to the front entrance of the home. A shared pedestrian path from the public



sidewalk to the front door requires that pedestrians maneuver around parked vehicles or traverse lawn/garden areas to reach the home of a neighbor. This can result in a difficult situation for those utilizing walkers, baby carriages, or wheelchairs and undermines the pedestrian experience in a neighborhood.

5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking shall be provided as follows in accordance with the Zoning Ordinance:

Condo Buildings (1 rack per 10 dwelling units)

Required: 18 bike racks      Provided: No racks shown on plan

Community Center (1 rack per 20 parking spaces)

Required: TBD\*      Provided: TBD\*      \*(at time of Site Plan Review)

Bicycle parking is a requirement for multi-family structures and community centers. The Applicant is encouraged to provide some bicycle parking at key activity and gathering points within the community as well.

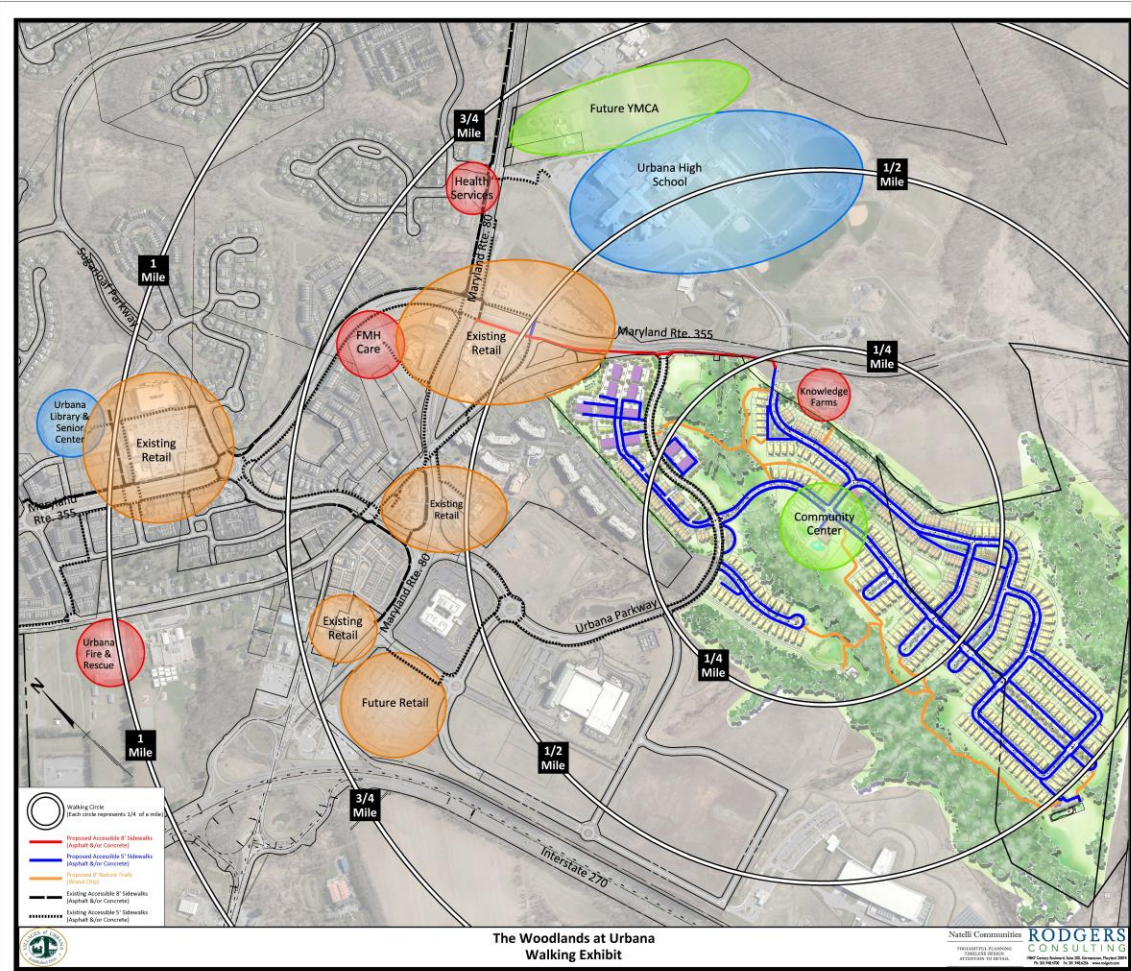


Figure 6 - Pedestrian Access & Walkability

### **Conditions:**

1. Applicant shall work with staff to identify additional opportunities for additional, distributed, overflow parking within the proposed community, where feasible.
2. Revise the parking calculations on sheet 1 to reflect the counting of garage spaces as ½ parking space for calculation purposes.
3. Applicant shall provide a minimum of 18 bicycle racks (36 bicycle parking spaces) to serve the multi-family condominium buildings (176 dwelling units X 1 rack = 180 racks). The racks shall be distributed to serve each building. The Applicant may choose to provide indoor bicycle parking within interior common areas (Class A parking) with convenient access for cyclists, or to provide bicycle parking in concert with the integral structured parking proposed for these dwelling units.
4. Applicant shall submit a Modification Request seeking FCPC approval to provide 1,441 parking spaces where 1,299 spaces are targeted in the Zoning Ordinance.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-4/S-4 and W-3/S-3 in the Frederick County Water and Sewer Plan. The site is subject to a DRRA (dated June 13, 2013) and an APFO LOU dated June 13, 2013, including a First, Second, and Third Amendment. The Third Amendment was approved on June 13, 2018.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The portion of the site designated for the residential section of the MXD is relatively flat, although the entire site drops from a high point near Urbana Pike (450 feet) to a low point just above 300 feet on the southern edge of the property. The layout of the streets and lots occurs mostly in areas previously cleared for agricultural use, while portions of the site along its western edge had been graded for previously approved development activity along Urbana Parkway.
2. **Vegetation:** Much of the property was in cultivation and is fairly devoid of natural vegetation other than within the stream corridors. It is quite likely that the post development condition of this property will result in more tree cover than at any time since at least 1952.
3. **Sensitive Resources:** Wetlands and flooding soils have been identified on the site. Care has been taken to locate the roadway stream crossing (Ivy Meadow Drive) at the least

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intrusive point on the site. The location of the crossing was determined in consultation with MDE and the ultimate design of the crossing will be determined during the development of Improvement Plans for the project, again with MDE input.

**4. Natural Hazards:** FEMA 100-year floodplain areas have been identified on the site.

Appropriate buffers have been established for floodplains, wetlands, steep slopes, and waterbodies identified on the site. Staff finds that the Application meets the requirements for these sensitive area buffers.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

**Findings/Conclusions**

1. **Proposed Common Area/Open Space:** Open space requirements affecting the development of this residential community are being met through the dedication of open spaces throughout the Woodlands at Urbana, which is a subsection of the entire Urbana ORC MXD. Of the 199.4 acres subject to this Combined Preliminary/Site Plan application, 58% (116.79 acres) are set aside as open space. Some of the open space provided in this particular section exists to provide or maintain a natural buffer adjacent to sensitive environmental features such as streams, wetlands, and floodplain areas. Internal open areas are utilized primarily for pedestrian access, landscaped 'breaks' between rows of townhouses, outdoor recreational amenities, and communal gathering areas such as community gardens and shared fire pits. The planned community center will serve as a centralized open/recreational area accounting for a small portion of the required common/open area.

The integration of the ESD stormwater facilities into the landscaped environment of the neighborhood provides an additional open space benefit by allowing functional engineering facilities to do double duty as visually attractive features deployed across the community. This is accomplished particularly well within the rights-of-way of Ivy Meadow Drive and Herb Garden Drive where the line between functional stormwater engineering facility and landscape beautification blurs to the point where most residents will fail to differentiate between the two.

The proximity to two County parks (Urbana Community and Urbana District) as well as several local school fields and playgrounds provide a plethora of active and passive recreational opportunities for residents in this development and throughout Urbana.

Staff finds that proposed common areas and open spaces meet or exceed the minimum requirement of 62 acres, and furthermore, are designed and allocated in such a way as to provide passive and active recreational opportunities for residents and visitors in this community.

It should be noted that the community center and surrounding facilities located at HOA Parcel A, will be subject to future Site Plan review by the Planning Commission.

**Specific Development Standards Within the Planned Development Districts §1-19-10.500.10 (B):** *If any development or portion thereof requests designation as an age-restricted community for the purpose of being exempt from the APFO school test under Section 1-20-7(E), this request must be made as part of the Applicant's Phase I application, indicating the number and location of the proposed age-restricted dwelling units.*

**Findings/Conclusions**

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1. Phase I requirements regarding APFO schools testing for this proposal were satisfied previously.

***Approval for Designation as an Age-Restricted Community §1-19-10.500.10 (C):*** *The Planning Commission and County Council, in their respective reviews of the proposed development, shall consider the following criteria to determine whether the project or portion thereof may be approved for designation as an age-restricted community.*

#### Findings/Conclusions

1. These requirements were considered by the FCPC at its Phase 1 review in 2016. The Planning Commission determined that the age-restricted status was appropriate for this location.

#### Other Applicable Regulations

##### ***Adequate Public Facilities Ordinance (APFO) – Chapter 1-20***

This section of the MXD is subject to APFO road improvement agreements that are delineated in the proposed 'Third Amendment to the Combined LOU' scheduled to be reviewed by the Planning Commission at its June 13, 2018 meeting prior to the review of the Woodlands project. With this amended LOU approved, all new APFO deficiencies associated with this project are mitigated:

- Schools: Age-Restricted Senior Living residential uses are exempt from APFO
- Water/Sewer: no increase in intensity of use results from this change in use
- Roads: Inadequate site access operation occurs at site access with MD 355 and no continuous bike or pedestrian connections exist between the site and the town center Market District

The LOU includes provisions to mitigate the two road inadequacies noted by providing additional lanes on the site egress and southbound MD 355 approaches to the site access opposite Campus Drive and an 8 foot minimum trail from the site access at MD 355 to the existing trail at MD 80, thus providing a continuous trail for bicyclists and pedestrians between the site and the town center.

##### ***Forest Resource Ordinance (FRO) – Chapter 1-21***

The Applicant has submitted a Natural Resource Inventory / Forest Stand Delineation, Forest Modification Request, and Preliminary Forest Conservation Plan. The plan set combines the forest conservation mitigation requirements for the entire 199.40-acre development project by encapsulating both the previously approved original 87.53-acre ORI/MXD property and the proposed 94.11-acre Raystock property addition and 17.76-acre ORI/MXD- Phase IV. The Raystock property and ORI/MXD- Phase 4 contains 37.31 acres of existing forest. The Applicant proposes to clear 10.25 acres of forest and place the remaining 27.06 acres of forest into a FRO easement. The 27.06 acres is 6.39 acres above the minimum 20.67 acre conservation requirement. In addition, 14.13 acres of forest planting is proposed within the Raystock property. This planting is to mitigate for the proposed partial release of 7.69 acres from a recorded FRO easement on the ORI/MXD property at a ratio of 2:1 (7.69 acres x 2 = 15.38 acres). Total mitigation provided is 17.74 acres, comprised of 14.13 acres of forest planting on Raystock plus 3.19 acres of surplus forest retention credit on Raystock (6.39 acres of surplus conservation at 1:2) plus 0.42 acres of forest retention credit on ORI/MXD (0.84 acres of new forest retention proposed at 1:2).

The site contains 78 specimen trees (trees 30" or greater in diameter), 37 located on the ORI/MXD property and 41 located on the Raystock property. The Applicant is proposing to remove 28 specimen trees, 14 on the ORI/MXD property and 14 on Raystock. The remaining 50 specimen trees will be retained and protected, 23 on the ORI/MXD property and 27 on Raystock. Per §1-21-40 of the FRO, nonhazardous specimen trees must be retained unless reasonable efforts have been made to protect them, the plan cannot reasonably be altered, and the FCPC finds that that the requirements for granting

a modification have been met. Hazardous trees may be removed without an FcPc modification. Of the 28 specimen trees to be removed, seven (7) trees exhibit structural defects and significant health issues that make them predisposed to failure. Their removal is approved by staff. Twenty-one (21) trees are considered non-hazardous by staff. As such, these trees will require Planning Commission approval to remove.

#### FRO Modification § 1-21-21.

The Applicant is seeking a modification of the FRO to permit the removal of twenty-one (21) non-hazardous specimen trees. The Applicant's FRO Modification Request discusses why the removal of these trees are proposed and addresses the six (6) criteria outlined under 1-21-21:

##### *§ 1-21-21. MODIFICATIONS.*

*(A) Modification requests. A person may submit a request to the Frederick County Planning Commission (FCPC) for a modification from this chapter or the requirements of Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612, if the person demonstrates that enforcement would result in unwarranted hardship to the person.*

*(B) Required information. An applicant for a modification shall:*

*(1) Describe the special conditions peculiar to the property that would cause the unwarranted hardship;*

*(2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

*(3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;*

*(4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;*

*(5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and*

*(6) Verify that the granting of a modification will not adversely affect water quality.*

*(C) Modification approval. The FCPC must make a finding that the applicant has met the requirements in subsection (B) of this section and that enforcement would cause the applicant unwarranted hardship before the FCPC may approve any modification.*

In order for the FCPC to grant a modification to allow the removal of specimen trees, the FCPC must also find;

1. That reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered (in accordance with § 1-21-40 (B)(1)), and;
2. That the Applicant meets the six criteria outlined under §1-21-21 (B).

#### Recommended Conditions of Approval

The Preliminary FRO plan must be approved prior to Preliminary Plan approval. A Final FRO plan must be approved and FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

#### ***Historic Preservation – Chapter 1-23***

No historic resources are affected by the proposed development.

#### ***Life Safety/Emergency Access***

The Applicant has worked with the Office of Life Safety to address concerns regarding emergency vehicle access to residential units including concerns specific to the units served by private roadways and private drives. Those issues have been resolved successfully.

#### ***Moderately Priced Dwelling Units – Chapter 1-6A***

The Applicant proposes a 'per dwelling' payment to the County in lieu of constructing the required 71 MPDUs of an amount to be documented in the Moderately Priced Dwelling Units Payment in Lieu Agreement for the Woodlands at Urbana. The fee shall be paid at the time of each building permit application, with the fee being based on the then-current Affordability Gap (currently \$26,500). The

#### **The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan**

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MPDU agreement must be executed prior to final approval/signature sets.

**Subdivision Regulations – Chapter §1-16:** This application meets the requirements of the subdivision regulations in Chapter §1-16.

1. Article I: In General - § 1-16-12 *Public Facilities*

- All proposed lots will access publicly- or privately-maintained roads with continuously paved surfaces of 20 feet in width. Section 1-19-10.500.9 of the Zoning Ordinance addresses ownership and maintenance of roads and streets in a MXD.

The majority of the site is classified W3/S3 on the Frederick County Water and Sewerage Plan indicating improvements to, or construction of, publicly-owned community sewerage or water systems are planned within a 3 year time period. A smaller portion of the site is classified W4/S4 on the Frederick County Water and Sewerage Plan indicating improvements to, or construction of, publicly-owned community sewerage or water systems are planned within a 4 to 6 year time period.

2. Article IV: Required Improvements - §1-16-109 *Street, Common Driveway, and Sidewalk Construction:*

- Required minimum width for sidewalks is 4 feet. All sidewalks provided are a minimum of 5 feet wide.
- Secondary sidewalks, also 5 feet in width, are provided at key locations to provide access to front entrances of homes fronting on larger open spaces or ESD stormwater areas.

3. Article VI: Design Standards and Requirements

§ 1-16-217. *Land Requirements:*

- The designated land use categories in the Comprehensive Plan for the site of the MXD include Office Research Industrial (ORI), Natural Resource (NR), and Limited Industrial (LI). These designations permit for a residential density range of 6 to 20 dwellings per acre on public water and sewer. The proposed development is within a Community Growth Area and is for a residential community on public water and sewer with a gross density of approximately 2.8 dwelling units per acre. The net density of the MXD is 6.9 dwelling units per acre falling squarely within the Medium Density range of 6-12 dwellings per acre established in the Zoning Ordinance. Although a small portion of the project contains land designated 'Natural Resource', the Zoning Ordinance allows for this area to be included in an MXD project provided that no construction (buildings, streets, etc.) occur within this area, pursuant to Section 1-1910.500.9(B)(2).
- The existing topography and natural features are the basis for the overall delineation of the MXD, with the higher elevations delineated as areas of development, and the lower elevation areas delineated as undeveloped areas to be maintained in a more natural state.

§ 1-16-218. *Block Shape:*

- No block dimension is greater than 1800 feet. Most blocks are between 600 and 800 feet in length. Most of the larger blocks utilize various design techniques to minimize the impact of longer developed segments between streets. Adequate pedestrian walkways – sidewalks and trails - are provided.

§ 1-16-219. *Lot Size and Shape:*

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- In the MXD, the lot dimensions, setbacks and height limitations for structures are to be determined by the Planning Commission at site development plan review.

§ 1-16-235. *Right-Of-Way and Paved Surface Widths:*

- Public streets proposed for this development will meet all specifications in accordance with the Frederick County Design Manual.
- Proposed paved surface width for new private streets is deemed adequate.

4. Driveway Entrance Spacing Policy

*Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development. Proposed driveways are all located on local residential streets, which have no spacing restrictions.*

### **Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application meets or will meet the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process to address all outstanding items as discussed in this Staff Report. However, any approval of this application should include conditions related to:

- Continuing to work with staff to identify additional distributed areas that would accommodate overflow parking if they are feasible.
- Applicant shall illustrate the Natural Resource (NR) land use designation on Sheets SP-6, SP-7, and SP-8 to ensure compliance with Section 1-1910.500.9(B)(2).

### **Summary of Agency Comments**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Conditionally Approved
<b><i>Development Review Planning:</i></b>	Conditionally Approved - pending resolution of agency issues
<b><i>State Highway Administration (SHA):</i></b>	Approved
<b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b>	Conditionally Approved
<b><i>Forest Resource (FRO)</i></b>	Conditionally Approved
<b><i>Health Dept.</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>Street Naming</i></b>	Approved
<b><i>DPDR Traffic Engineering</i></b>	Approved
<b><i>Board of Education</i></b>	Incomplete
<b><i>Historic Preservation</i></b>	Approved

## **FINDINGS**

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the conditions of approval have been met and requested modifications granted.



## **RECOMMENDATION**

Staff has no objection to conditional approval of the Woodlands at Urbana Combined Preliminary Subdivision Plan/Site Development Plan. If the Planning Commission conditionally approves the site development plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through June 13, 2021). The Preliminary Subdivision Plan is valid for the lesser of 5 years or the period of APFO approval. The APFO is valid through June 13, 2026, therefore the Preliminary Plan will expire on June 13, 2023.

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of the requested modification of the FRO to permit the removal of twenty-one (21) non-hazardous specimen trees
2. Approval of an Alternate Planting Design (landscaping, buffering, screening, & 'alternate on-site location' for street trees) to allow fewer than the required number of street trees – 529 instead of the required 743 - and to approve all landscaping elements on the site as proposed.
3. Approval of a Modification Request seeking FCPC approval to provide 1,441 parking spaces where 1,299 spaces are targeted in the Zoning Ordinance.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. The Preliminary FRO plan must be approved prior to Preliminary Plan approval. A Final FRO plan must be approved and FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.
3. Work with staff to identify additional distributed areas within the development that would accommodate overflow parking where feasible.
4. Applicant shall illustrate the Natural Resource (NR) land use designation on Sheets SP-6, SP-7, and SP-8 to ensure compliance with Section 1-1910.500.9(B)(2).
5. Applicant shall provide a minimum of 18 bicycle racks (36 bicycle parking spaces) to serve the multi-family condominium buildings (176 dwelling units X 1 rack = 180 racks). The racks shall be distributed to serve each building. The Applicant may choose to provide indoor bicycle parking within interior common areas with convenient access for cyclists or to provide bicycle parking in concert with the integral structured parking proposed for these units.
6. Applicant shall complete an MPDU agreement pursuant to Section 1-6A of the Frederick County Code prior to final approval/signature sets.
7. Reduce light pole height to 14 feet and replace with a style that directs lighting downward onto the site in accordance with 1-19-6.500.

8. Revise parking calculations on sheet 1 of the plan to account for garage spaces being calculated at a rate of 0.5 space per each full garage space provided.
9. Revise pedestrian plan to address direct sidewalk connections to individual homes.

## **PLANNING COMMISSION ACTION**

### MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE Combined Preliminary Subdivision Plan/Site Development Plan S-1175/SP 17-11 with conditions and modifications** as listed in the staff report for the proposed **Woodlands at Urbana** (p/o Urbana ORC MXD), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



## The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan

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May 23, 2018

Graham Hubbard  
Frederick County Department of Planning  
Community Development Division  
30 N. Market St.  
Frederick, MD 21701

Re: Woodlands at Urbana  
Tree Modification Request and Justification  
A/P # 18071 & 18072  
RCI Project No.: 0590G14

Dear Mr. Hubbard:

Out of a total of seventy-eight (78) specimen trees inventoried for the Woodlands at Urbana active adult ("project"), fifty (50) specimen trees are proposed to be retained. A tree-by-tree analysis was performed by a Certified Arborist™ for the remaining twenty-eight (28) specimen trees contained within the project. The analysis looked at the proposed build-out of the project to determine if each tree is likely to pose a hazard once the project is constructed. This analysis carefully looked at each tree and documented any structural defects and/or health related issues for each tree. Additionally, the analysis studied the feasibility of different avoidance and/or minimization strategies to determine if it was feasible to retain the tree. The analysis was summarized in a letter to the Frederick County Planning Department dated April 30, 2018. Frederick County planning staff's review of the analysis determined that seven (7) trees "exhibit structural defects and significant health issues that make them predisposed to failure." The remaining twenty-one (21) trees were determined to be non-hazardous by staff. Of the remaining twenty-one (21) trees, ten (10) trees are located within the ORI portion of the project and eleven (11) trees are located within the Raystock portion of the project. Unavoidable impacts to these twenty-one (21) trees require a modification from Section 1-21-40(B) (1) of the Frederick County Code for their removal. Nine (9) of the twenty-one (21) trees are shown on previously approved forest conservation plans as cleared. In coordination with Frederick County, these trees are included in this modification request.

Please accept this letter and the accompanying Woodlands at Urbana Forest Conservation Plan as a formal written request for a modification from Section 1-21-40(B) (1) of the Frederick County Code. The referenced section concerns the requirement to not disturb *Nonhazardous trees that are specimen trees, or are 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.*

#### **Project Background**

The Woodlands at Urbana project includes the existing 211(±) acre Southern Employment MXD center located in Urbana, Maryland and an expansion area. The proposed 210-acre expansion area, south and east of the approved MXD, would absorb the undeveloped Raystock property and land bays previously approved for Office/Research/Industrial (ORI) along Urbana Parkway. The Frederick County Division of Planning and Permitting Zoning Map Amendment Staff Report Case # R-16-01 (C) dated July 10, 2017, rezoned 166.39 acres of ORI, 42.5 acres of Resource Conservation and 0.7 acres of Limited

#### **Exhibit 2 - FRO Modification Request**

### **The Woodlands at Urbana (Urbana ORC MXD) – Preliminary/Site Plan**

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Industrial to Mixed Use Development (MXD). The Southern Employment MXD and the Southern Employment MXD Addition (Woodlands at Urbana) will be separated by an undeveloped wooded stream valley. The project is located within a County Growth Area and State Priority Funding Area (PFA).

Environmental planning to minimize impacts to the natural environment, including specimen trees and sensitive areas was incorporated into the design early in the project development phase. Strategies employed to achieve the densities inherent to a growth area/PFA, while reducing the impact to sensitive environmental features, include a compact development pattern with minimum lot sizes and efficient road patterns. Other impact avoidance and minimization efforts include the use of walkout units to reduce the amount of grading needed to tie out to existing grade, forest retention, the dedication of a 130-acre open space area, and the protection of environmentally sensitive areas (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain).

The project will create a 566(±) dwelling unit, age restricted, residential community. The community will be organized into smaller neighborhoods oriented around a green space or amenity. Numerous paths and trails will integrate and connect all neighborhoods and amenity areas, allowing for bicycle, pedestrian, transit and vehicular connections. Resultantly, the Southern Employment MXD Addition is an environmentally responsible development project that incorporates environmentally sensitive design concepts for the entire project area. Undisturbed natural areas will continue to provide natural and societal benefits such as, wildlife habitat, water quality, sediment retention/stabilization, visual aesthetics and active/passive recreational opportunities.

The Applicant has worked with the Frederick County Division of Planning and Permitting, and other agency stakeholders to reduce impacts to sensitive natural resources to the extent practicable. Unavoidable impacts to ten (10) trees within the ORI portion of the project and eleven (11) trees within the Raystock portion of the project requires a modification under Section 1-21-40(B) (1) for the disturbance to trees with a diameter at breast height of 30" or greater. The specimen trees that must be removed within the ORI portion of the project, as shown on sheet 5 of the Woodlands at Urbana forest modification request, are as follows:

Table 1: ORI Specimen Tree Table			
No.	Common Name	Botanical Name	DBH (Inches)
SPT-1	American Sycamore	<i>Platanus occidentalis</i>	35
SPT-14*	White Oak	<i>Quercus alba</i>	36
SPT-18*	White Oak	<i>Quercus alba</i>	49
SPT-20*	White Oak	<i>Quercus alba</i>	30
SPT-21*	White Oak	<i>Quercus alba</i>	33
SPT-22*	White Oak	<i>Quercus alba</i>	30
SPT-25*	American Sycamore	<i>Platanus occidentalis</i>	38
SPT-34*	American Beech	<i>Fagus grandifolia</i>	38
SPT-36*	American Beech	<i>Fagus grandifolia</i>	41
SPT-37	Red oak	<i>Quercus rubra</i>	35

\*Shown on a previously approved forest conservation plan as cleared.



Specimen trees that must be removed within the Raystock portion of the project as shown on Sheet 6 of the Woodlands at Urbana preliminary forest conservation plan, are as follows:

<b>Table 2: Raystock Specimen Tree Table</b>			
<b>No.</b>	<b>Common Name</b>	<b>Botanical Name</b>	<b>DBH (Inches)</b>
ST-7	Red Oak	<i>Quercus rubra</i>	43
ST-8	Red Maple	<i>Acer rubrum</i>	37
ST-12	Black Oak	<i>Quercus velutina</i>	39
ST-14	White Oak	<i>Quercus alba</i>	34
ST-15	Red Oak	<i>Quercus rubra</i>	30
ST-34	Red Oak	<i>Quercus rubra</i>	35
ST-35	Red Oak	<i>Quercus rubra</i>	41
ST-36	Red Oak	<i>Quercus rubra</i>	33
ST-37	Red Oak	<i>Quercus rubra</i>	34
ST-38*	Green Ash	<i>Fraxinus pennsylvanica</i>	41
ST-40	Red Oak	<i>Quercus rubra</i>	36

\*Shown on a previously approved forest conservation plan as cleared.

#### **Tree-By-Tree Removal Analysis- ORI**

The following is a tree-by-tree analysis describing the conditions peculiar to the property that make the removal of each tree is unavoidable.

**SPT-1:** This tree is a 35" American Sycamore.

The portion of the project located to the south of the stream valley contain very little frontage along a public road. In order to provide two points of public road access to this portion of the project as required by Fredrick County, a stream crossing that connects existing Urbana Parkway to the portion of the Addition to Southern Employment MXD project located south of the stream valley is necessary to comply with this Frederick County development requirement.

This tree is located directly within the preferred stream crossing alignment of the proposed public road right-of-way. The road has been designed to cross the tributary at the location where environmental impacts are minimized and community design goals, such as interconnectivity, safe and efficient roadways, and pedestrian walkability are achieved.

The roadway cannot be located any farther west due to the presence of an existing steep embankment down to the stream on the north side that makes the construction of the road infeasible. There is also another specimen tree located to the west that is currently proposed to be retained. The roadway alignment cannot be moved any farther east, due to the presence of an existing stormwater management facility located on the north side of the stream that makes it impossible to provide a roadway to tie the crossing into without the removal of the existing facility. Due to these engineering and design constraints along with the tree's location in relation to other specimen trees, a culvert or bridge crossing is required at the location of this tree.

**SPT-14:** This tree is a 36" White Oak. This tree is located in an area shown as on a previously approved forest conservation plan as cleared.

The sewer line impacting this tree has been located outside of the waterbody buffer to protect existing forest that provide important water quality benefits. Saving the tree would require the sewer alignment to be shifted into the waterbody buffer.

The development pattern in this area is based on the need to preserve the waterbody buffer located south of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer. Starting from the existing grade at the limits of disturbance the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 20' tall retaining wall relatively close to the trees trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community.

**SPT-18:** This tree is a 49" White Oak. This tree shown as on a previously approved forest conservation plan as cleared.

The development pattern in this area is based on the need to preserve the seep and associated wetland area located southeast of the specimen tree. The limit of disturbance is set to avoid impacts to the wetland buffer. Starting from the existing grade at the limits of disturbance, the site is graded up and away from the sensitive environmental features to the elevation where the development can begin. From there, the development pattern sets the location of the public road. The public road is the most logical place to provide the sewer line connection into the development and provide stormwater management best management practices (BMP) serving the development. In order to outfall the stormwater management BMP, an outfall pipe that aligns with the public road right-of-way is needed resulting in unavoidable impacts to this specimen tree.

The development pattern in this area is also based on the need to preserve the waterbody buffer located to the west of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer in a location. Starting from the existing grade at the limits of disturbance, the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 12' tall retaining wall relatively close to the trees trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community.

**SPT-20:** This tree is a 30" White Oak. This tree is shown as on a previously approved forest conservation plan as cleared.

The sewer line impacting this tree has been located outside of the waterbody buffer to protect existing forest that provide important water quality benefits in a location that also allows the sewer to work by gravity. Saving the tree would require the sewer alignment to be shifted into the waterbody buffer to avoid impacts to this and other specimen trees.

The development pattern in this area is based on the need to preserve the waterbody buffer located south of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer. Starting from the existing grade at the limits of disturbance the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 15' tall retaining wall relatively close to the trees trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community.

**SPT-21:** This tree is a 33" White Oak. This tree is shown as on a previously approved forest conservation plan as cleared.

The development pattern in this area is based on the need to preserve the waterbody buffer located south of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer. Starting from the existing grade at the limits of disturbance the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 10' tall retaining wall relatively close to the tree trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community.

**SPT-22:** This tree is a 30" White Oak. This tree is shown as on a previously approved forest conservation plan as cleared.

The development pattern in this area is based on the need to preserve the waterbody buffer located south of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer. Starting from the existing grade at the limits of disturbance the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 12' high retaining wall relatively close to the tree trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community.

**SPT-25:** This tree is a 38" American Sycamore. This tree is shown as on a previously approved forest conservation plan as cleared.

The development pattern in this area is based on the need to preserve the seep and associated wetland area located south east of the specimen tree. The limit of disturbance is set to avoid impacts to the wetland buffer. Starting from the existing grade at the limits of disturbance, the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 12' tall retaining wall relatively close to the trees trunk and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community. Additionally, the sewer line has been set to avoid impacts to the environmentally sensitive features.

**SPT-34:** This tree is a 38" American Beech. This tree is shown as on a previously approved forest conservation plan as cleared.

The sewer line impacting this tree must tie into an existing pump station and also connect to a sewer alignment that has been located to cross the stream perpendicular and avoid impacts to wetlands and wetland buffers as required by the U.S. Army Corps. of Engineers and the Maryland Department of the Environment. The sewer has been located to make these required connections in a location that avoids impacting the stream located to the east of the alignment.

Removing the sewer is not feasible as it would deny the community sewer service and deny sewer service to other communities planned for growth in the future. Relocating the sewer is not feasible because moving it further away will directly impact the stream.

**SPT-36:** This tree is a 41" American Beech. This tree is shown as on a previously approved forest conservation plan as cleared.

The sewer line impacting this tree has been located to cross the stream perpendicular and avoid impacts to wetlands and wetland buffers as required by the U.S. Army Corps. of Engineers and the Maryland Department of the Environment.

Removing the sewer is not feasible as it would deny the community sewer service and deny sewer service to other communities planned for growth in the future. Relocating this sewer crossing is not feasible because it would result in greater impacts to wetlands and other regulated water resources. A proposed trail connection has been incorporated into the sewer crossing to minimize impacts on regulated water resources.

**SPT-37:** This tree is a 37" Red Oak.

The development pattern in this area is based on the need to preserve the waterbody buffer located south of the specimen tree. The limit of disturbance is set to avoid impacts to the waterbody buffer. Starting from the existing grade at the limits of disturbance the site is graded up towards the development. Due to the environmental and topographic constraints that exists on the site, retaining this tree would require an approximately 10' high retaining wall and tree protection measures which would necessitate significant root pruning. Even after tree protection measures are in place, the tree would be in a stressful state and its health is likely to decline and become a detriment to the health, safety, and welfare of the community. The plan proposed a pedestrian trail along the waterbody buffer. The proximity of this tree to the pedestrian trail connection would create a hazardous condition. Relocating the trail away from the tree would push the trail into the waterbody buffer creating impacts to trees in better health that provide important water quality benefits.

#### **Tree-By-Tree Removal Analysis- Raystock**

Approximately one-third of the Raystock property is located within environmentally sensitive areas containing streams and wetlands that are proposed to be left undisturbed or enhanced with forest planting. Within the remaining upland area available for development, are several specimen trees located within an existing fence row or within an upland forest stand that divides the ORI and Raystock properties with unforested upland areas currently in agriculture on each side. In order to provide a logical development pattern that provides safe and efficient connectivity between the unforested upland areas of the Raystock property to the development pattern proposed on the ORI property, the removal of specimen trees is unavoidable. Avoiding impacts to specimen trees along the roads and right of ways will result in less efficient land use and circulation, utility infrastructure challenges, and inadequate drainage and stormwater management.

**ST-7:** This tree is a 43" Red Oak.

Tree #7 is located along the boundary of the ORI and Raystock properties. This tree is located within a block of proposed houses immediately adjacent to the main spine road connecting the southern portion of the development to the norther portion of the development. Avoiding impacts to specimen trees along the roads and right of ways will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-8:** This tree is a 37" Red Maple.

Tree #8 is located near Tree #7 within an upland forested area along the boundary of the ORI and Raystock properties. This tree is located within the main spine road connecting the southern portion of the development to the norther portion of the development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right



of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-12:** This tree is a 39" Black Oak.

Tree #12 is located at the edge of an upland forested area immediately adjacent to the unforested upland portion of the site where most of the development on the Raystock portion of the project is proposed. Although the trunk of the tree is located within the forested area proposed to be retained, approximately 50% of the critical root zone will be disturbed to provide drainage away from the proposed units sited within the unforested upland area. This tree, being located within a forest setting, is structurally and biologically accustomed to a specific set of wind patterns and sunlight. Changing the conditions around this tree adds stress that would likely cause the tree's health to decline. The proximity of the houses proposed in the unforested upland area would create a hazardous condition.

**ST-14:** This tree is a 34" White Oak.

Tree #14 is located at the edge of an upland forested area immediately adjacent to the unforested upland portion of the site where most of the development on the Raystock portion of the project is proposed. It is necessary to remove the tree to provide drainage away from the proposed units sited within the unforested upland area. This tree, being located within a forest setting, is structurally and biologically accustomed to a specific set of wind patterns and sunlight. Changing the conditions around this tree adds stress that would likely cause the tree's health to decline even further. The proximity of the houses proposed in the unforested upland area would create a hazardous condition.

**ST-15:** This tree is a 30" Red Oak.

Tree #15 is located at the edge of an upland forested area immediately adjacent to the unforested upland portion of the site where most of the development on the Raystock portion of the project is proposed. It is necessary to remove the tree to provide drainage away from the proposed units sited within the unforested upland area. This tree, being located within a forest setting, is structurally and biologically accustomed to a specific set of wind patterns and sunlight. Changing the conditions around this tree adds stress that would likely cause the tree's health to decline even further. The proximity of the houses proposed in the unforested upland area would create a hazardous condition.

**ST-34:** This tree is a 35" Red Oak.

This tree is located at the intersection of the main spine road connecting the southern portion of the development to the norther portion of the development and a major road connecting the eastern and western portions of the development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-35:** This tree is a 41" Red Oak.

This tree is located at the intersection of the main spine road connecting the southern portion of the development to the norther portion of the development and a major road connecting the eastern and western portions of the active adult development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-36:** This tree is a 33" Red Oak.

This tree is located within the main spine road connecting the southern portion of the development to the norther portion of the development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-37:** This tree is a 34" Red Oak.

This tree is located within the main spine road connecting the southern portion of the development to the norther portion of the development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-38:** This tree is a 41" Green Ash. This tree is located within 100' of the Raystock property on the ORI property in an area shown as on a previously approved forest conservation plan as cleared.

Tree #38 is located within the main spine road connecting the southern portion of the development to the norther portion of the development. The removal of this specimen tree is necessary to make this roadway connection. Avoiding impacts to specimen trees along the road and right of way will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

**ST-40:** This tree is a 36" Red Oak.

Tree #40 is located along the boundary of the ORI and Raystock property. This tree is located within a block of proposed houses immediately adjacent to the main spine road connecting the southern portion of the development to the norther portion of the development. Avoiding impacts to specimen trees along the roads and right of ways will result in less efficient land use, utility infrastructure challenges, and provide disadvantages for fire/safety first responders.

#### **Requirements for the Granting a Modification**

The requirements for the granting of a modification are provided below, followed by the applicant's presentation of how those requirements are met.

*(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The Urbana Active Adult project is located within a County Growth Area and State Priority Funding Area (PFA). Environmental planning to minimize impacts to the natural environment, including specimen trees and sensitive aquatic resources was incorporated into the design early in the project development phase. Strategies employed to achieve the densities inherent to a growth area/PFA, while reducing the impact to sensitive environmental features, include a compact development pattern with minimum lot sizes and efficient road patterns. Other impact avoidance and minimization efforts include the use of walkout units to reduce the amount of grading needed to tie out to existing grade, forest retention and dedication of a 130-acre open space area, and the protection of environmentally sensitive areas (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain).

The request is based on the County requirement to provide two points of access to the site, the locations of environmentally sensitive features (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain), topographic conditions of the site, and/or the disposition of the specimen trees on the site, existing plan approvals, and the logical and efficient development necessary to reduce impacts to other sensitive environmental resources within the project area.

One specimen tree, not previously shown within an area to be cleared on an approved forest conservation plan, is proposed to be removed within an environmentally sensitive area. This tree (SPT#1) is in the location of a preferred public road stream crossing necessary to provide a second point of access by connecting existing Urbana Parkway to the southern portion of the development. This second point of connection is required by Frederick County. Due to the topographic circumstances and disposition of specimen trees unique to the property combined with the engineering constraints explained above, the alignment cannot be reasonably altered to save this tree.

The remaining specimen trees to be removed within the ORI portion of the project are removed based on the locations of environmentally sensitive features (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain), topographic conditions of the site, and/or the disposition of the specimen trees on the site. The retention of these trees would either push impacts into environmentally sensitive areas and/or is not feasible due to the topographic conditions of the site, and/or would deny the applicant the reasonable use of their property.

Approximately one-third of the Raystock property is located within environmentally sensitive areas containing streams and wetlands that are proposed to be left undisturbed or enhanced with forest planting. Within the remaining upland area available for development, are several specimen trees located within an existing fence row or within an upland forest stand that divide the ORI and Raystock property with unforested upland areas currently in agriculture on each side. In order to provide a logical development pattern that provides safe and efficient connectivity between the unforested upland areas of the Raystock property to the development pattern proposed on the ORI property, the removal of specimen trees is unavoidable. Avoiding impacts to specimen trees along the roads and right of ways will result in less efficient land use and circulation, utility infrastructure challenges, and inadequate drainage and stormwater management.

Denying the applicants request to remove these specimen trees based on the conditions peculiar to the property discussed above will result in an unwarranted hardship and deny the applicant reasonable use of their property.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The project is located within a County Growth Area and State Priority Funding Area (PFA). Failing to grant a modification will preclude the landowner from providing housing opportunities for an aging population in Frederick County. The vision for the Woodlands at Urbana Active Adult residential community is the culmination of a three- year study by Natelli Communities to ensure that the community is successful and assess the level of demand for

active-adult housing in Frederick County. The research included a review of the Age Restricted Community Report prepared by the Frederick County Division of Planning in 2006. The County agreed that an age-restricted development strategy on this property was appropriate during the recent zoning amendment, and that the age-restricted or active adult community has inherent design characteristics and needs that require alternative regulatory standards.

Therefore, not allowing the Applicant to remove specimen trees would deprive the Applicant the same opportunities afforded to similar development projects in Frederick County and cause undue financial hardship. Also, failing to grant a modification will preclude the Applicant from implementing the changes envisioned in the Southern Employment MXD Addition.

- (3) *Verify that the granting of the modification will not confer on the applicant a special privilege that would be denied to other applicants,*

Granting the modification will not confer a special privilege on the Applicant. Approximately 130-acres of undisturbed forested areas, forested and emergent wetlands, ephemeral, intermittent and perennial streams and stream valley buffers will be dedicated to open space, more than double the open space requirement. Areas dedicated to open space will continue to maintain water quality standards and provide habitat to various resident and migratory wildlife species within the region.

- (4) *Verify that the modification request is not based on conditions or circumstances which result from the actions by the applicant,*

The modification request is not based on circumstances which result from the actions by the Applicant. The request is based on the County requirement to provide two points of access to the site, the locations of environmentally sensitive features (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain), topographic conditions of the site, and/or the disposition of the specimen trees on the site, existing plan approvals, and the logical and efficient development necessary to reduce impacts to other sensitive environmental resources within the project area.

- (5) *Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property, and*

The request is based on the County requirement to provide two points of access to the site, the locations of environmentally sensitive features (waterbody buffer, wetlands and buffers, streams, steep slopes and the 100-year floodplain), topographic conditions of the site, and/or the disposition of the specimen trees on the site, existing plan approvals, and the logical and efficient development necessary to reduce impacts to other sensitive environmental resources within the project area and not on a condition relating to land or building use on a neighboring property.

- (6) *Verify that the granting of a modification will not adversely affect water quality.*

Areas along Urbana Parkway that would transform from office/research uses to the proposed age-restricted residential community are in a development-ready state (i.e., utilities are in place). Therefore, impacts to a development-ready state would have minimal impacts



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to these areas. A Stormwater Management, Erosion and Sediment Control Plan and related best management practices would maintain water quality and not have any adverse effects.

Furthermore, Environmental Site Design (ESD) concepts for this property will maintain or improve water quality standards. The Project will be implemented through the plan approvals, permits and inspections under Frederick County's Stormwater Management Ordinance and Erosion and Sediment Control Ordinance. Compliance with both ordinances has been found by the State of Maryland to meet the State's water quality standards and therefore, will not adversely affect water quality.

Thank you for your review and feel free to call or email with any questions or to discuss. I can be reached at (240) 912-2150 or mwessel@rodgers.com.

Sincerely,  
Rodgers Consulting, Inc.



Matthew J. Wessel, PLA, ISA Certified Arborist  
Principal

Cc: File  
Kraig Walsleben, Rodgers

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